

No. 162

Excellency,

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"I have the honor to refer to the Mutual Defense Assistance Agreement between Japan and the United States of America signed at Tokyo on March 8, 1954 (hereinafter referred to as "the MDA Agreement"), which provides, inter alia, that each Government will make available to the other such equipment, materials, services, or other assistance as the Government furnishing such assistance may authorize, in accordance with such detailed arrangements as may be made between them.

The representatives of the Government of Japan and the Government of the United States of America have recently held discussions for the purpose of making such detailed arrangements as mentioned above concerning a program for the Cooperative Avionics and Mission Systems Study for Maritime Patrol Aircraft of Japan and Multi-Mission Maritime Aircraft of the United States of America (hereinafter referred to as "the Program"). The following is the understanding of the Government of Japan regarding the results of the above-mentioned discussions:

1. In accordance with the detailed implementing arrangements to be made under paragraph 4, the Government of Japan and the Government of the United States of America will mutually provide information, equipment, and materials which are necessary to implement the Program. The two Governments shall jointly bear the cost necessary for the execution of the Program.
2. The Program will be undertaken through contracts with industries of Japan and industries of the United States of America to the extent necessary.
3. The present understanding will be implemented in accordance with the MDA Agreement and arrangements made thereunder, including the Agreement between the Government of Japan and the Government of the United States of America to Facilitate Interchange of Patent Rights and Technical Information for Purposes of Defense signed at Tokyo on March 22, 1956.

Her Excellency
Yoriko Kawaguchi,
Minister for Foreign Affairs of Japan,
Tokyo.

4. In order to implement the present understanding, representatives of the competent authorities of the two Governments will make detailed implementing arrangements. The competent authority of the Government of Japan will be the Defense Agency; the competent authority of the Government of the United States of America will be the Department of Defense.
5. The financial obligations and expenditures incurred by the Government of Japan and the Government of the United States of America under the present understanding and all arrangements to be made hereunder will be subject to budget authorization pursuant to the constitutional and legislative provisions of the respective countries.

I have the honor to propose that, if the above understanding is acceptable to the Government of the United States of America, the present Note and Your Excellency's reply of acceptance shall be regarded as constituting an agreement between the two Governments which shall enter into force on the date of Your Excellency's reply and shall remain in force until six months after the date of the receipt of notice of termination by either Government."

I have the honor to confirm on behalf of the Government of the United States of America that the foregoing understanding is acceptable to the Government of the United States of America and to agree that Your Excellency's Note and this reply shall be regarded as constituting an agreement between the two Governments which shall enter into force on the date of this reply and shall remain in force until six months after the date of the receipt of notice of termination by either Government.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.



Embassy of the United States of America,
Tokyo, Japan, March 26, 2002.

Translation

Tokyo, March 26, 2002

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I have the honor to refer to the Mutual Defense Assistance Agreement between Japan and the United States of America signed at Tokyo on March 8, 1954 (hereinafter referred to as "the MDA Agreement"), which provides, *inter alia*, that each Government will make available to the other such equipment, materials, services, or other assistance as the Government furnishing such assistance may authorize, in accordance with such detailed arrangements as may be made between them.

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His Excellency
Mr. Howard H. Baker, Jr.
Ambassador Extraordinary
and Plenipotentiary of
the United States of America

2. The Program will be undertaken through contracts with industries of Japan and industries of the United States of America to the extent necessary.

3. The present understanding will be implemented in accordance with the MDA Agreement and arrangements made thereunder, including the Agreement between the Government of Japan and the Government of the United States of America to Facilitate Interchange of Patent Rights and Technical Information for Purposes of Defense signed at Tokyo on March 22, 1956.

4. In order to implement the present understanding, representatives of the competent authorities of the two Governments will make detailed implementing arrangements. The competent authority of the Government of Japan will be the Defense Agency; the competent authority of the Government of the United States of America will be the Department of Defense.

5. The financial obligations and expenditures incurred by the Government of Japan and the Government of the United States of America under the present understanding and all arrangements to be made hereunder will be subject to budget authorization pursuant to the constitutional and legislative provisions of the respective countries.

I have the honor to propose that, if the above understanding is acceptable to the Government of the United States of America, the present Note and Your Excellency's reply of acceptance shall be regarded as constituting an agreement between the two Governments which shall enter into force on the date of Your Excellency's reply and shall remain in force until six months after the date of the receipt of notice of termination by either Government.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Yoriko Kawaguchi
Minister for Foreign Affairs
of Japan